



January 20, 2006

HOUSE BILL No. 1349

DIGEST OF HB 1349 (Updated January 18, 2006 3:39 pm - DI 77)

Citations Affected: IC 6-1.1; IC 14-22.

Synopsis: Animal hunting preserves. Requires a license for a cervidae livestock operation. (Current law requires a cervidae livestock operation to have a game breeder's license.) Changes the name of shooting preserves to animal hunting preserves (preserves). Allows the propagation and hunting of game birds and privately owned deer and elk on preserves. (Current law allows game birds and exotic mammals to be propagated and hunted.) Requires a preserve to contain: (1) at least 80 acres; or (2) if the owner held a game breeder's license for deer or elk in 2003, not less than the same number of contiguous acres the person maintained while operating under the game breeder's license. (Current law requires a shooting preserve to contain between 100 and 640 acres.) Requires a preserve that allows hunting of game birds to be located at least one mile from a state owned game refuge or state public hunting ground. (Current law requires all shooting preserves to be located at least five miles from a state owned game refuge or state public hunting ground.) Establishes certain requirements on preserves that allow hunting of deer or elk. Provides that deer and elk taken on a preserve are not subject to bag, sex, or size limits. Makes conforming changes.

Effective: July 1, 2006.

Ulmer, Ruppel, Robertson, Denbo

January 12, 2006, read first time and referred to Committee on Natural Resources.
January 19, 2006, amended, reported — Do Pass.

HB 1349—LS 6824/DI 77+



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January 20, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1349

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-1.1-6.2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A parcel of land may
3 be classified as a windbreak if:

- 4 (1) it abuts a fence line or a property line;
- 5 (2) it abuts arable land;
- 6 (3) the landowner enters into an agreement with the department
7 of natural resources establishing standards of windbreak
8 management for the parcel of land as that concept is understood
9 by competent professional foresters;
- 10 (4) it is at least fifty (50) feet wide;
- 11 (5) it does not contain a dwelling or other usable building; and
- 12 (6) no part of it lies within a licensed ~~shooting~~ **animal hunting**
13 preserve.

14 SECTION 2. IC 6-1.1-6.5-2 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A parcel of land
16 may be classified as a wildlife habitat if:

- 17 (1) it contains a good stand of vegetation that is capable of



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1 supporting wildlife species;
 2 (2) it is conducive to wildlife management;
 3 (3) the landowner enters into an agreement with the department
 4 of natural resources establishing standards of wildlife
 5 management for the parcel of land as that concept is understood
 6 by competent wildlife biologists;
 7 (4) it contains at least fifteen (15) acres;
 8 (5) it contains less than ten (10) acres of woodland;
 9 (6) it does not contain a dwelling or other usable building; and
 10 (7) no part of it lies within a licensed ~~shooting~~ **animal hunting**
 11 preserve.

12 (b) A parcel of land may be classified as riparian land if:

13 (1) the land is stream bed or vegetated land adjacent to a stream
 14 bed, not extending more than one hundred (100) feet landward
 15 from the line of nonaquatic vegetation;
 16 (2) the land is conducive to riparian management for the purposes
 17 of fish and wildlife restoration or enhancement, erosion control,
 18 increased bank stability, improved water quality, or increased
 19 stream storage capacity;
 20 (3) the land does not contain a dwelling or other usable building;
 21 and
 22 (4) the landowner enters into an agreement with the department
 23 of natural resources establishing standards of management for the
 24 classified riparian land.

25 SECTION 3. IC 6-1.1-6.5-2.5 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) A landowner
 27 may file an application with the department of natural resources under
 28 section 5 of this chapter to have a parcel of land classified as a wildlife
 29 habitat if:

30 (1) the parcel consists of at least one (1) acre;
 31 (2) the parcel is contiguous to a parcel of land owned by the
 32 landowner that is already classified as a wildlife habitat;
 33 (3) the parcel contains a good stand of vegetation that is capable
 34 of supporting wildlife species;
 35 (4) the parcel is conducive to wildlife management;
 36 (5) the parcel does not contain a dwelling or other usable
 37 building;
 38 (6) no part of the parcel lies within a licensed ~~shooting~~ **animal**
 39 **hunting** preserve; and
 40 (7) the landowner enters into an agreement with the department
 41 of natural resources establishing standards of wildlife
 42 management for the parcel as that concept is understood by

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competent wildlife biologists.

(b) A parcel of land described in subsection (a) must be surveyed and platted under section 3 of this chapter.

SECTION 4. IC 6-1.1-6.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A parcel of land may be classified as a filter strip if the parcel of land meets all of the following requirements:

(1) The parcel of land is adjacent to an:

(A) open water course such as a ditch, creek, or river; or

(B) open body of water such as a wetland or lake.

(2) The parcel of land is at least twenty (20) feet wide but not more than seventy-five (75) feet wide.

(3) The parcel of land does not contain a dwelling or other usable building.

(4) The parcel of land is not used for livestock grazing.

(5) No part of the parcel of land lies within a licensed ~~shooting~~ **animal hunting** preserve.

(6) The landowner enters into an agreement with the:

(A) drainage board of jurisdiction along regulated drains; and

(B) county surveyor along nonregulated drains;

with concurrence of the local soil and water conservation district offices.

(b) A filter strip that exists on July 1, 1991, may qualify for classification if:

(1) the parcel meets the requirements of subsection (a); and

(2) the parcel is vegetated with a herbaceous vegetation that meets the seeding specifications of filter strips created after July 1, 1991, as determined by the county surveyor in concurrence with the local soil and water conservation district in which the parcel is located.

SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a)** The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

(1) propagate in captivity; and

(2) possess, buy, or sell for this purpose only;

game birds, game mammals, or furbearing mammals protected by Indiana law.

(b) A cervidae livestock operation licensed under IC 14-22-20.5 is not required to obtain a game breeders license under this section.

SECTION 6. IC 14-22-20.5-2, AS ADDED BY P.L.93-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2006]: Sec. 2. As used in this chapter, "cervidae livestock operation" means an operation that:

- (1) has a ~~game breeders~~ **cervidae livestock operation** license issued by the department of natural resources; ~~under IC 14-22-20;~~
 - (2) contains privately owned cervidae; and
 - (3) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;
- but does not involve the hunting of privately owned cervidae.

SECTION 7. IC 14-22-20.5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. The department shall, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license for a cervidae livestock operation.**

SECTION 8. IC 14-22-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec.1. **(a) Except as provided in subsection (b), a person who:**

- (1) owns;
 - (2) holds; or
 - (3) controls by lease; ~~for a term of not less than five (5) years;~~
- a contiguous tract of land containing an area of not less than ~~one~~ hundred ~~(100)~~ acres and not more than six hundred forty ~~(640)~~ **eighty (80)** acres and who desires to establish a ~~license shooting an animal hunting~~ preserve must apply to the division for a license.

(b) A person who in 2003 held a breeder's license under IC 14-22-20 for elk or deer may apply to the division for an animal hunting preserve license. However, the person must continue to maintain not less than the same number of contiguous acres that the person maintained for the deer and elk while operating under the breeder's license in 2003.

SECTION 9. IC 14-22-31-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. ~~A shooting An animal hunting~~ preserve **that allows the hunting of game birds** may not be established within a distance of ~~five (5) miles~~ **one (1) mile** of a state owned game refuge or state public hunting ground. Duck shooting may not be permitted if wild duck, geese, or other migratory game birds frequent the area where the captive reared and properly marked mallard ducks are to be held, released, and flighted for shooting.

SECTION 10. IC 14-22-31-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Upon receipt of an application, the department shall ~~do the following:~~

- ~~(+)~~ inspect the following:

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(A) (1) The proposed ~~shooting~~ **animal hunting** preserve.

(B) (2) The facilities for propagating the game birds. ~~or exotic mammals.~~

(C) (3) The cover.

(D) (4) The capability of the applicant to maintain such an operation.

(2) If found feasible, approve the application and issue a license to the applicant.

SECTION 11. IC 14-22-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon receipt of a license, the licensee shall post the licensed area at intervals of not more than five hundred (500) feet with signs. ~~to be prescribed by rule.~~ The boundaries of the ~~shooting~~ **animal hunting** preserve shall be clearly defined by fences of at least one (1) strand of wire. **However, if the hunting preserve allows the hunting of deer or elk, the boundary must be marked by a fence that is at least eight (8) feet in height.**

SECTION 12. IC 14-22-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A person issued a license under section 4 of this chapter may propagate and offer for hunting the following animals that are captive reared and released:

(1) Pheasant, quail, chukar partridges, properly marked mallard ducks, and other game bird species that the department determines by rule.

(2) ~~Species of exotic mammals that the department determines by rule.~~

(2) Privately owned deer and elk.

SECTION 13. IC 14-22-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A person may not take game birds, ~~deer,~~ and ~~exotic mammals~~ **elk** on a ~~shooting an~~ **animal hunting** preserve unless the person has a hunting license required under this article, except nonresidents of Indiana who must possess a special license to shoot on licensed ~~shooting animal hunting~~ preserves.

(b) The department:

(1) shall issue special licenses; and

(2) may appoint owners or managers of ~~shooting animal hunting~~ preserves as agents to sell special licenses.

(c) A special license expires December 31 of the year issued.

(d) The fee for a special license is eight dollars and seventy-five cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.

(e) An animal hunting preserve shall pay the following fees for each deer or elk harvested on the animal hunting preserve:

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1 **(1) Two hundred fifty dollars (\$250) per buck.**

2 **(2) Fifty dollars (\$50) per doe.**

3 SECTION 14. IC 14-22-31-9 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. A person may take
5 ~~wild animals~~ **game birds, deer, and elk** from a ~~shooting an animal~~
6 **hunting** preserve only during September, October, November,
7 December, January, February, March, or April.

8 SECTION 15. IC 14-22-31-10 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. The licensee of a
10 ~~shooting an animal hunting~~ preserve shall issue a bill of sale
11 designating game birds, **deer**, or ~~exotic mammals~~ **elk** lawfully taken
12 upon the ~~shooting animal hunting~~ preserve. The bill of sale must
13 accompany all game birds, **deer**, and ~~exotic mammals~~ **elk** removed
14 from the ~~shooting animal hunting~~ preserve. The licensee shall retain
15 a copy of all bills of sale issued to persons removing game birds, **deer**,
16 or ~~exotic mammals~~ **elk** from the ~~shooting animal hunting~~ preserve.
17 The bills of sale are subject to inspection by the fish and wildlife
18 division at any time.

19 SECTION 16. IC 14-22-31-11 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The licensee of
21 a ~~shooting an animal hunting~~ preserve must keep a daily register to
22 show the following:

23 (1) The number of ~~wild animals~~ **game birds, deer, and elk** and
24 the species released and taken from the ~~shooting animal hunting~~
25 preserve each day.

26 (2) The number of hunters participating.

27 (b) An annual computation of the record:

28 (1) shall be sent to the department on May 10 each year; and

29 (2) shall be filed under oath as to the number and species of ~~wild~~
30 ~~animals~~ **game birds, deer, and elk** released and taken.

31 (c) Failure to keep and forward the records to the department is
32 sufficient cause for:

33 (1) revocation of the license for the ~~shooting animal hunting~~
34 preserve; or

35 (2) refusal to issue a license for the following year.

36 SECTION 17. IC 14-22-31-12 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The following
38 must be available to the department for inspection:

39 (1) The daily records.

40 (2) The pens **for the game birds.**

41 (3) The ~~wild animals~~ **game birds, deer, and elk.**

42 (4) The ~~shooting animal hunting~~ preserves.

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(b) An inspection of ~~a shooting~~ **an animal hunting** preserve shall be conducted under this chapter and rules adopted under IC 14-22-2-6. The department shall consult with the state veterinarian if the inspection reveals a potential animal health threat that contravenes programs for the prevention, control, or eradication of diseases in domestic animals.

SECTION 18. IC 14-22-31-15 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 15. An animal hunting preserve that allows the hunting of deer or elk must comply with the following requirements:**

(1) **At least forty percent (40%) of the area of the animal hunting preserve must consist of escape cover.**

(2) **A hunting stand must be located at least seventy-five (75) yards from the boundary fence.**

(3) **A deer or elk must be released into the animal hunting preserve at least ten (10) days before it is hunted. Hunting of other deer and elk is not allowed on the animal hunting preserve during this period.**

(4) **The number of hunters on an animal hunting preserve at any time may not exceed one (1) hunter per twenty (20) acres.**

(5) **A deer or elk that has been taken on an animal hunting preserve must be examined and tagged before it is removed from the animal hunting preserve.**

(6) **The animal hunting preserve must comply with all rules of the board of animal health concerning cervidae, including rules concerning chronic wasting disease (CWD).**

(7) **The animal hunting preserve may not sell a specific deer or elk to the hunter. However, the animal hunting preserve may charge either:**

(A) **a basic hunting fee; or**

(B) **a fee based upon the antler size of the deer or elk taken by the hunter.**

(8) **Hunting is prohibited in an area within one hundred fifty (150) yards of an artificial feeding site.**

SECTION 19. IC 14-22-31-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16. A deer or elk taken on an animal hunting preserve is not subject to the bag, sex, and size limits established under IC 14-22-2-6(a)(2).**

SECTION 20. IC 14-22-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1. This chapter does not**

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- 1 apply to the following:
- 2 (1) Conservation officers or other law enforcement officers.
- 3 (2) Game birds, **deer**, or ~~exotic mammals~~ **elk** in ~~shooting animal~~
- 4 **hunting** preserves licensed under IC 14-22-31.
- 5 (3) A person who takes a feral exotic mammal when the feral
- 6 exotic mammal is causing damage to property that is owned or
- 7 leased by the person.
- 8 (4) A person who is authorized by the department under
- 9 extraordinary circumstances to take an exotic mammal.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a)** The department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

(1) propagate in captivity; and

(2) possess, buy, or sell for this purpose only;

game birds, game mammals, or furbearing mammals protected by Indiana law.

(b) A cervidae livestock operation licensed under IC 14-22-20.5 is not required to obtain a game breeders license under this section.

SECTION 6. IC 14-22-20.5-2, AS ADDED BY P.L.93-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "cervidae livestock operation" means an operation that:

(1) has a ~~game breeders~~ **cervidae livestock operation** license issued by the department of natural resources; ~~under IC 14-22-20;~~

(2) contains privately owned cervidae; and

(3) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;

but does not involve the hunting of privately owned cervidae.

SECTION 7. IC 14-22-20.5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. The department shall, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license for a cervidae livestock operation."**

Page 3, line 32, delete "A" and insert **"(a) Except as provided in subsection (b), a"**.

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"(b) A person who in 2003 held a breeder's license under IC 14-22-20 for elk or deer may apply to the division for an animal hunting preserve license. However, the person must continue to maintain not less than the same number of contiguous acres that the person maintained for the deer and elk while operating under the breeder's license in 2003."

Page 3, line 42, after "preserve" insert **"that allows the hunting of**

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game birds".

Page 4, line 23, after "wire." insert **"However, if the hunting preserve allows the hunting of deer or elk, the boundary must be marked by a fence that is at least eight (8) feet in height."**

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"(e) An animal hunting preserve shall pay the following fees for each deer or elk harvested on the animal hunting preserve:

- (1) Two hundred fifty dollars (\$250) per buck.**
- (2) Fifty dollars (\$50) per doe."**

Page 6, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 18. IC 14-22-31-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. An animal hunting preserve that allows the hunting of deer or elk must comply with the following requirements:

- (1) At least forty percent (40%) of the area of the animal hunting preserve must consist of escape cover.**
- (2) A hunting stand must be located at least seventy-five (75) yards from the boundary fence.**
- (3) A deer or elk must be released into the animal hunting preserve at least ten (10) days before it is hunted. Hunting of other deer and elk is not allowed on the animal hunting preserve during this period.**
- (4) The number of hunters on an animal hunting preserve at any time may not exceed one (1) hunter per twenty (20) acres.**
- (5) A deer or elk that has been taken on an animal hunting preserve must be examined and tagged before it is removed from the animal hunting preserve.**
- (6) The animal hunting preserve must comply with all rules of the board of animal health concerning cervidae, including rules concerning chronic wasting disease (CWD).**
- (7) The animal hunting preserve may not sell a specific deer or elk to the hunter. However, the animal hunting preserve may charge either:**
 - (A) a basic hunting fee; or**
 - (B) a fee based upon the antler size of the deer or elk taken by the hunter.**
- (8) Hunting is prohibited in an area within one hundred fifty (150) yards of an artificial feeding site.**

SECTION 19. IC 14-22-31-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. A deer or elk taken on an

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animal hunting preserve is not subject to the bag, sex, and size limits established under IC 14-22-2-6(a)(2)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1349 as introduced.)

HOFFMAN, Chair

Committee Vote: yeas 11, nays 1.

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